

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS
PENSION FUND, WELFARE FUND,
ANNUITY FUND, AND APPRENTICESHIP,
JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND,
TRUSTEES OF THE NEW YORK CITY
CARPENTERS RELIEF AND CHARITY
FUND, and THE CARPENTER
CONTRACTOR ALLIANCE OF
METROPOLITAN NEW YORK,

Petitioners,

-against-

GREEN WOOD PRODUCTS, INC. a/k/a
GREENWOOD PRODUCTS INC,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/28/2024

24-CV-02499 (MMG)

MEMORANDUM OPINION AND
JUDGMENT

MARGARET M. GARNETT, United States District Judge:

On April 2, 2024, The New York District Council of Carpenter Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Annuity Fund, New York City District Council of Carpenters Apprenticeship, Journeyman, Retraining, Educational & Industry Fund, Trustees of the New York City Carpenters Relief and Charity Fund, and Carpenter Contractor Alliance of Metropolitan New York, Inc (together, “Petitioners”) commenced this action by Petition to Confirm Arbitration Award against Greenwood Products, Inc. (“Respondent”). *See* Dkt. No. 1 (the “Petition”). The Petition seeks to confirm the February 9, 2024 award issued in the private arbitration held between Petitioners and Respondent. *See* Dkt. No. 1-10 (the “Award”).

On April 3, 2024, Petitioners served the Petition upon Respondent, *see* Dkt. No. 9, and the Court ordered Petitioners to file and serve any additional materials with which they intended to support their Petition by May 3, 2024, *see* Dkt. No. 7. On April 25, 2024, Petitioners moved to confirm the arbitration award, and submitted accompanying declarations and a memorandum of law in support. *See* Dkt. Nos. 11-14 (the “Motion”). The same day, Petitioners effectuated service on Respondent of all papers filed in support of the Motion. *See* Dkt. No. 15. To date, Respondent has neither appeared in this action, nor responded to the Petition, nor otherwise sought relief from the Award.

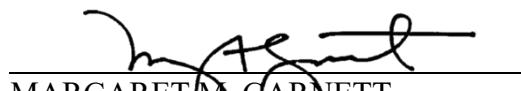
The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tender Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the Petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator’s decision provides more than “a barely colorable justification for the outcome reached.” *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, IT IS ORDERED AND ADJUDGED that the Petition is GRANTED, the Award is CONFIRMED, and judgment is entered in favor of Petitioners and against Respondent as follows:

1. Confirming the Award in all respects;
2. Petitioners shall have judgment against Respondent in the amount of **\$80,427.22**, plus post-judgment interest, which includes the following:
 - a. The amount of the Award, **\$73,298.59**;
 - b. Interest from February 9, 2024, the date of the Award, to the entry of judgment, at an annual rate of 10.50%, in the sum of **\$2,952.03**.
 - c. Attorneys’ fees in the sum of **\$4,030**;
 - d. Costs arising out of this proceeding in the sum of **\$146.60**; and
 - e. Post-judgment interest at the statutory rate of 9.0% per annum, pursuant to CPLR §§ 5003 and 5004.

Dated: June 28, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge